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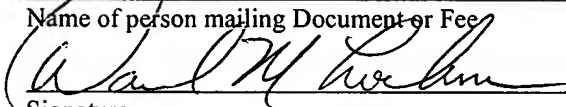
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David M. Lockman

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March 12, 2007

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Re:	Application of:	Omega et al.
	Serial No.:	10/761,053
	Filed:	January 20, 2004
	For:	Scheme For Creating A Ranked Subject Matter Expert Index
	Group Art Unit:	2163
	Confirmation No.:	1171
	Examiner:	Alford W. Kindred
	MMB Docket No.:	1776-0032

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets. This paper is filed by the Attorney of Record.

REMARKS

I. Reasons for Review

The Examiner has failed to make out a prima facie case of obviousness with respect to claims 1 and 3-24. In general, the *clear error in the Examiner's rejection* is that none of the cited references disclose or suggest the limitation that the rank of each identified author for a cluster of electronic documents be presented in index form in accordance with an accumulated number of times that the author has authored a document in the cluster. This or a similar limitation is present in all of the claims 1 and 3-24.

A. Discussion of Missing Limitation

All of the claims relate to a method or system that collects electronic documents in response to a user's selection of a subject and then a ranked index for the authors of the electronic documents in the collection is presented. The authors are ranked in accordance with an accumulated number of times that the author is identified as an author of an electronic document in the collection. In this manner, a user may determine an expert for the selected subject based on the number of electronic documents authored by a particular author that were collected for a subject. The "ranking each identified author according to the number accumulated for each identified author" limitation and the "presenting the rankings for the identified authors in an index form" limitation are set forth in independent claim 1. Similar limitations are also presented in the other independent claim 15. Claims 1 and 15 are set out in the Response to Office Action mailed October 13, 2006.

B. The Examiner's Rejection

The Examiner relies upon the combination of U.S. Publ. No. 20060129538 to Baader et al. (hereinafter "Baader") and U.S. Publ. No. 20030105769 to Harris to reject the pending

claims as being obvious. The Baader reference is directed to a search system that does rank the results obtained in a search. The Examiner admits, however, that the Baader reference does not teach or suggest “ranking each identified author according to the number accumulated and presenting the rankings for the identified authors in an index form.” *Final Office Action*, January 12, 2007, page 2, item 3. The Examiner asserts that Harris teaches this limitation in paragraphs 49, 59, and 110. *Final Office Action*, January 12, 2007, page 2, item 3. This assertion is simply unsupported by the text of the Harris reference.

Paragraph 49 of the Harris reference refers to the process implemented in the system of Harris that links a list of documents to one another. This linking grows as a group of collaborative subscribers develop a query by an originating subscriber. Paragraph 59 discloses that the documents in Harris may also include identification of an author. According to this paragraph, the affiliation of an author with each document enables the system of Harris to track “the actions performed on each document and the number of documents created by each author. In this manner, the system can be used to track the engagement of each subscriber in developing ideas and performing intellectual work.” This paragraph teaches that the authors of the documents are the subscribers of the system and that the number of times a subscriber contributes a document is an indication of that subscriber’s engagement with the query development. Paragraph 110 is directed to the defining of a time period for a response or as to how long a query remains active. Nothing in the paragraph suggests or teaches that the system of Harris accumulates the number of times that an author has written an electronic document or that the rankings of the subscribers’ contributions are presented in index form.

C. Explanation of Clear Error

Applicant respectfully submits that the Examiner has not established that Harris teaches “ranking each identified author according to the number accumulated and presenting the rankings for the identified authors in an index form.” Specifically, the Examiner suggests that the system of Harris, which contains data that enables the contributions of subscribers to the development of a query to be counted so the subscriber’s contribution to the development of the query may be evaluated, also generates an accumulated number of contributions that are presented in index form for subscriber rankings. Such a teaching, however, is not provided by Harris. While Harris indicates the author data enables one to search a linked list of documents to evaluate the number of entries for an author, it does not teach that the number of entries is accumulated nor does it teach that an accumulated number is used to present a ranking in an index form. Thus, applying Harris to Baader only results in each document of a collection of documents responsive to a search query also including author data that may be parsed to determine which author contributed most of the documents to the collected results. It does not result in the system of Baader accumulating the number of times an author contributed documents to the collected results and it does not result in Baader presenting an author ranking in index form. The only teaching that enables one of ordinary skill in the art to accumulate the author count and provide a ranking in index form is Applicants’ specification. Such use of Applicants’ specification is impermissible.

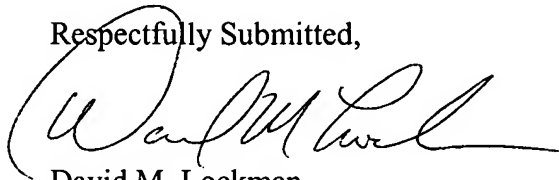
Additionally, Applicants submit that one of ordinary skill in the art would not use Harris to modify Baader. As noted above, Harris is directed to a collaborative system of subscribers and is not a system that collects documents in response to a document query. Instead, Harris collects responses of subscribers who selectively engage a user’s query. Thus,

the Examiner has failed to allege any teaching, suggestion, or motivation for the proposed combination of Harris and Baader.

II. Conclusion

For all of the foregoing reasons, Applicants respectfully submit that the application is in a condition for allowance. Favorable reconsideration and allowance of this application is, therefore, earnestly solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David M. Lockman", written over a large, stylized circular flourish.

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